



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2515

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting April 3, 2017 at 10:30 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

Glenn Kopchak, Administrative Director, called roll. The following members were present: Ron Gillihan, Kelly Barger, Anita Charlton, Nina Coppinger, Bobby Finger, Judy McAllister, and Amy Tanksley. Not in attendance Brenda Graham, Frank Gambuzza, Yvette Granger, Mona Sappenfield and Patricia Richmond.

Others present were: Glenn Kopchak, Administrative Director, Cherrelle Hooper, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the March 6, 2017 board meetings were submitted for changes and/or approval.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve the March 6, 2017 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Baker's Barber and Cosmetology College, New School Application:

Mr. Baker appeared before the board for a New Barber & Cosmetology School. The business license, floor plan, enrollment agreement, student handout, application and fee were all received timely.

MOTION made by Amy Tanksley and seconded by Judy McAllister to approve new school license pending an inspection by a board member and field inspector. Motion carried unanimously.

Fayetteville College of Cosmetology, Change of Ownership:

New owner did not appear before the board but did submit all the requirements for a Cosmetology/Barber School change in ownership.

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve change in ownership. Motion carried unanimously

Jett College of Barbering, Change of Name Application:

The owner did not appear before the board but did submit all the requirements to the board for a Change of Name to Impact College of Barbering

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve change in name. Motion carried unanimously

ExpertEase Instructor Academy, New School Application:

Ms. Ciarra Gordon appeared before the board for a New Cosmetology School. The business license, floor plan, enrollment agreement, student handout, application and fee were all received timely.

MOTION made by Bobby Finger and seconded by Judy McAllister to table the discussion and represent at next board meeting. Motion carried unanimously.

New Pyramid Barber and Nail School, New School Application:

Mr. Cleophus Bryant appeared before the board for a New Barber and Cosmetology Specialty School for Manicuring. The business license, floor plan, enrollment agreement, student handout, application and fee were all received timely.

MOTION made by Nina Coppinger and seconded by Judy McAllister to table the discussion and represent at next board meeting. Motion carried unanimously.

Eboni Sanford must appear before the board and reapply to reactivate her cosmetologist license due to the terms outlined in an agreed citation.

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve reinstatement pending submission of an application. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-- (Note: The Board may decide to make a motion at the end of hearing all of the applications, instead of voting one by one...)

The following felony applications to test were presented: Brandon Boles, Ashley Brown, Joseph Gordon, Cedric Phelps, Kameron Shotwell, Kenneth Tucker, and Jennifer Wilson

MOTION made by Nina Coppinger and seconded by Kelly Barger to approve all the felony applications' request to test. Applicant must undergo two year probationary period and sign an agreed order. Motion carried unanimously.

Facts: Andrea Beel,

MOTION made by Nina Coppinger and seconded by Judy McAllister to allow international applicant to take both exams. Motion carried unanimously.

Facts: Omed Fattah,

MOTION made by Judy McAllister and seconded by Nina Coppinger to allow international applicant to take both exams. Motion carried unanimously.

Facts: Suzan Shenouda,

MOTION made by Kelly Barger and seconded by Nina Coppinger to allow international applicant to take both exams. Motion carried unanimously.

DIRECTORS REPORT -

Director Kopchak presented the budget.

MOTION made by Amy Tanksley and seconded by Judy McAllister for approval by the full board of the Director's Report. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for Waivers, Reconsiderations and Extensions:

Alexandra Rose Pineda submitted her nail technician application for original license within the six months required after passing both tests. Due to a delay in submitting her eligibility form, her application is now passed the one year director discretionary period.

MOTION made by Bobby Finger and seconded by Nina Coppinger to waive expiration date and grant submission of application. Motion carried unanimously.

Motion to Dismiss Notice of Appeal- Touba Hair Braiding

MOTION made by Amy Tanksley and seconded by Judy McAllister to Dismiss Notice of Appeal in the case of Tennessee Board of Cosmetology v. Touba Hair Braiding. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 10:02 AM on Monday, April 3rd to review the allegations of 32 complaints and make recommendations to the Board.

NEW CASES **Cosmetology**

1. Case No.: COS-2017002471

First License Obtained: 01/10/2005

License Expiration: 01/31/2017

Complaint history: None

This is a consumer complaint alleging poor service by the Respondent whose license is suspended for failure to pay child support. Said license was suspended December 9, 2016. The Complainant has not responded to my request for additional information as I have requested the date that Complainant received services from the Respondent to be able to confirm that the Respondent's license was suspended when the Complainant received said services.

Recommendation: Closure for failure to cooperate with the investigation.

Decision: Accepted

2. Case No.: COS-2017005131

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a complaint from a student against the school alleging that no instructor was present on two occasions in January 2017. However, after speaking to the student, she has retracted her statement and does not want to be involved. This is a Board of Regents school not licensed by the Board. The instructor is licensed by this Board.

Recommendation: Closure due to lack of jurisdiction.

Decision: Accepted

3. Case No.: COS-201700991

First License Obtained: 12/03/2008

License Expiration: 07/31/2017

Complaint history: 2011024921, closed by Consent Order and payment of \$500.00 civil penalty

Pursuant to inspection, the Respondent shop was found to be in violation of failure to display an individual license and failure to display the shop license. Respondent states that was due to the walls of the salon being recently painted. The inspector also found one violation of failure to wear a name tag, and two unknown individuals performing manicures without a license. There was also one violation of failure to have trash containers covered. Owner and manager are the same individuals.

Recommendation: Authorize settlement by consent order with a \$2500.00 civil penalty for two unlicensed employees and unsanitary conditions.

Authorize formal charges.

Decision: Accepted

4. Case No.: COS-2017004181

First License Obtained: 12/18/1991

License Expiration: 09/30/2018

Complaint history: 2010025001, closed by Consent Order and payment of \$500 civil penalty, 20150210111, closed by Amended Consent Order and payment of \$116.00 civil penalty; 2016005881, closed with a letter of warning

Pursuant to inspection, the Respondent shop was cited for an expired shop license and one personal license was expired. The owner and manager are the same individual. Since the time of the inspection the shop and individual license have been renewed. The Respondent signed the Agreed Citation for \$600.00 and is requesting a payment plan.

Recommendation: Authorize settlement by consent order with \$600 civil penalty with a payment plan of \$100.00 per month for five month as initial payment of \$100.00 was received with the Agreed Citation. Authorize formal charges.

Decision: Accepted

5. Case No.: COS-2017004201

First License Obtained: 06/14/1994

License Expiration: 06/30/2018

Complaint history: 2016005921, closed with a letter of warning

This is the individual Respondent from Complaint No. 2017004181 found to me providing services with an expired license that has now been renewed.

Recommendation: Authorize settlement by consent order with \$100.00 civil penalty. Authorize formal charges.

Decision: Accepted

6. Case No.: COS-2017006261

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

This is a consumer complaint alleging unlicensed activity. The Respondent admits to performing braiding services on Facebook in response to the complaint.

Recommendation: Authorize settlement by consent order with civil penalty of \$1000.00. Authorize formal charges.

Decision: Accepted

7. Case No.: COS-2017001401

First License Obtained: 02/27/2004

License Expiration: 02/28/2018

Complaint history: None

Pursuant to inspection, one individual was found to be providing services with an expired license. Since the time of inspection the individual license has been renewed.

Recommendation: Authorize settlement by consent order with \$100.00 civil penalty. Authorize formal charges.

Decision: Accepted

8. Case No.: COS-2017006791

First License Obtained: 06/21/2016

License Expiration: 06/30/2018

Complaint history: None

This is a consumer complaint alleging improper use of equipment during manicure. Complainant has failed to respond to my request for additional information.

Recommendation: Closure

Decision: Accepted

9. Case No.: COS-2017001671

First License Obtained: 06/16/1990
License Expiration: 10/31/2018
Complaint history: None

Pursuant to inspection, Respondent was found to be providing services with expired shop license. The license has been renewed. The owner and manager are the same individual.

Recommendation: Authorize settlement by consent order with \$100 civil penalty. Authorize formal charges.

Decision: Accepted

BARBER

10. Case No.: BAR-2017001891

First License Obtained: 05/18/2010
License Expiration: 05/31/2018
Complaint history: None

Pursuant to inspection, the Respondent was found to be providing services with an expired license. The license has been renewed.

Recommendation: Authorize settlement by consent order with civil penalty of \$100.00. Authorize formal charges.

Decision: Accepted

11. Case No.: BAR-2017001851

First License Obtained: 05/06/2011
License Expiration: 04/30/2017
Complaint history: None

This is the companion complaint against the shop for one individual providing service with an expired license. Shop owner and manager are the same individual.

Recommendation: Authorize settlement by consent order with civil penalty of \$100.00. Authorize formal charges.

Decision: Accepted

Allison Renfro

BARBER

12. Case No.: BAR-2017001951

First License Obtained: 03/02/2004
License Expiration: 09/30/2018
Complaint history: 2016046001, closed by Consent Order and payment of \$1,000 civil penalty

Upon routine inspection of the barber shop on January 11, 2017, the inspector observed an individual performing a haircut but there was no license posted at his work station. The inspector spoke to the individual and

was told the individual could not find his license. The inspector performed a licensure search and verified the license had been revoked and issued a violation to the shop for permitting an individual without a valid license to perform barber services.

Recommendation: Close, the agreed citation has been signed and the agreed citation amount of \$1,000 has been paid.

Decision: Accepted.

13. Case No.: BAR-2017009771

First License Obtained: 02/19/2013

License Expiration: 02/28/2017

Complaint history: None

A complaint was filed by a consumer stating that an individual was working at a barber shop on February 1, 2017, without a barber license. The Complainant later wrote the Board to rescind her complaint, as she had stated that the barber did not have a valid license in her complaint and later learned that the license was just suspended.

In response to the complaint, the shop stated that the individual referenced in the complaint is a barber at the shop and has a valid license. Legal performed a licensure search and verified that the individual is licensed, having been first licensed by the Board on July 15, 2002, and having renewed his license on April 15, 2016. Therefore, the license was valid during the date that gave rise to the complaint.

Recommendation: Close.

Decision: Accepted.

14. Case No.: BAR-2017003201

First License Obtained: 08/16/2005

License Expiration: 07/31/2017

Complaint history: 2007087421, closed with a letter of warning; 2008016131, closed by Consent Order and payment of \$500.00 civil penalty; 2010000381, closed with a letter of warning

Upon routine inspection of the barber shop on January 18, 2017, the inspector observed that the barber shop license that was displayed was expired, though upon performing a licensure search, discovered the license was current and active. Both of the barbers practicing on clients advised the inspector that the manager was not in the shop. After about thirty minutes, the manager did not show up to the business.

In its response, the shop owner stated that the shop has had the same shop manager for 10 years and that on the day in question the manager went out for lunch, and out of 12 years the shop has never had a problem regarding a manager being present at the time of an inspection. The owner asserts a co-owner of the shop personally and intentionally did not speak up about the

wrong license being displayed in an effort to attack the owner, knowing the shop is having financial issues and that a fine would cripple the operation. The owner requests the Board consider a warning rather than a fine, as this is a very financially difficult time for the shop and a \$500 fine would be devastating to the business. The owner expressed that his shop is a historic centerpiece to the downtown city where it operates and is the oldest African American business along the mall and clients, neighbors, and tourists have expressed support to the contribution the shop adds to the history and culture of the downtown area.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$500 for no manager present.

Decision: Authorize case for formal charges. Authorize settlement for a civil penalty of \$250.

15. Case No.: BAR-2017004061

First License Obtained: 12/16/2014

License Expiration: 12/31/2018

Complaint history: None

Upon inspection of the shop where Respondent was observed to be working on January 20, 2017, the inspector observed Respondent practicing on a client's hair. The shop is licensed as a full service cosmetology shop but Respondent was offering barber services.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$500 for providing services not authorized by the individual's license.

Decision: Authorize case for formal charges. Authorize settlement for a civil penalty of \$100.

16. Case No.: BAR-2017004021

First License Obtained: 06/04/2015

License Expiration: 06/30/2017

Complaint history: None

Upon inspection of the shop where Respondent was observed to be working on January 20, 2017, the inspector observed Respondent practicing on a client's hair. The shop is licensed as a full service cosmetology shop but Respondent was offering barber services.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$500 for providing services not authorized by the individual's license.

Decision: Authorize case for formal charges. Authorize settlement for a civil penalty of \$100.

17. Case No.: BAR-2016074841

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

18. Case No.: BAR-2016074821

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

While performing inspections in a small shopping center on December 15, 2016, the inspector observed Respondent cutting a male customer's hair and operating a barber shop. Respondent could not produce a personal barber license or barber shop license. It was evident to the inspector that this business was being run as a barber shop. Respondent is the owner of the shop and said he had been to school in Puerto Rico. The inspector explained to Respondent that he would need a barber shop license and a personal barber license to operate.

Recommendation: Authorize case for formal charges. Authorize settlement for a total civil penalty of \$2,000 for providing barber services without a master barber license and operating a barber shop without a barber shop license.

Decision: Accepted

19. Case No.: BAR-2017002391

First License Obtained: 01/20/2017

License Expiration: 12/31/2018

Complaint history: None

While in the field performing inspections on January 12, 2017, the inspector observed the shop was open to the public for service. The inspector walked in the shop and observed four work stations set up for services. Barbering services were being performed by two individuals. The shop owner showed the inspector that he had completed his application on December 20, 2016, and the business license was in the owner's name for the location. The inspector advised the owner that he was in violation of opening a shop without being inspected and approved to operate and the owner stated that he would close his business until he is approved to be open for business. In the owner's response, he states that he was under the assumption that after he submitted his application for shop licensure, the inspector would come inspect while he was working. The inspector returned the next day and informed the owner that his paperwork had been sent to the wrong department; therefore the delay was not the owner's fault. **The owner requests leniency in the form of waiving or reconsidering the fine since this is his first time opening a shop.**

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$1,000 for operating a barber shop without a barber shop license.

Decision: Authorize case for formal charges. Authorize settlement for a civil penalty of \$250.

COSMETOLOGY

20. Case No.: COS-2017006421

First License Obtained: 11/29/2016
License Expiration: 11/30/2018
Complaint history: 2012024531, Respondent previous license #157891 revoked pursuant to Final Order in Docket No. 12.09-11934A

The Board administratively opened this complaint against the licensee for using fraudulent means to apply for a license. The Licensee answered "no" to questions asking if she was previously licensed and if she was ever disciplined. The licensee was licensed through reciprocity in 2011 and her license was revoked in 2013 after determining hours came from one of the Texas school that admitted to fraudulently awarding hours.

Recommendation: Authorize case for formal charges. Authorize settlement for voluntary license revocation.

Decision: Accepted

21. Case No.: COS-2017002071

First License Obtained: 12/07/2005
License Expiration: 05/31/2017
Complaint history: 2006036751, closed and flagged;
2015004721, closed by Consent Order and payment of \$1,000 civil penalty

The Complainant states that she went to Respondent's shop on January 10, 2017. The Complainant alleges that during the visit she heard a door open while she was in a tanning bed so she got out of the bed completely nude and that the man who operates and runs the tanning bed was staring at her. The Complainant alleges that this was not the first time that the operator has walked in on her undressed. Also, she states that when she went out to her car the operator came out to the window of her car and was beating on her car window saying something about a towel, was agitated, and scared her. She alleges that the door locks and fans do not work adequately, the air conditioner is not running properly which makes it hot in the shop, and that the tanning bed is unclean at times. She alleges that the man took her money but never recorded her information, and that the shop puts some of the wrong bulbs in the tanning beds so that the bulbs that are supposed to be 12-minute beds are in 20-minute beds, which caused her to be sunburnt. The practice of the bulbs causes unsafe conditions for consumers, according to the Complainant.

Upon investigation, the investigator personally observed improperly stored clean towels and a small amount of trash on the floor. Signs were posted advising customers that new bulbs had been installed in the 12-minute and 20-minute tanning beds. The operator stated via sworn affidavit that it is his

job to clean and sanitize the bed for the next client. In this case, the room had its light off so he thought the customer had already left. The door was unlocked and when he knocked on the door there was no response, prompting him to think no one was inside, but when he heard a customer, he immediately retreated. The investigator arranged to meet with the Complainant but the Complainant failed to show up twice, and stated she would provide a written statement via email but never submitted her statement.

Recommendation: Close with a letter of warning regarding the sanitary violations observed by the investigator.

Decision: Accepted

22. Case No.: COS-2017002241

First License Obtained: 01/07/2013

License Expiration: 12/31/2018

Complaint history: 20150213651, signed Consent Order to pay \$1,000 civil penalty, only paid \$500, referred to Collections to collect remaining balance due of \$500

Upon routine inspection on January 11, 2017, it was discovered that the shop license had expired on December 31, 2016. There was a client present in the shop receiving services.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$100 for providing services while the shop license was expired.

Decision: Accepted

23. Case No.: COS-2017015341

First License Obtained: 04/16/2007

License Expiration: 08/31/2017

Complaint history: 2013003981, closed by Consent Order and payment of \$500.00 civil penalty; 2015005803, dismissed the case against the shop as the owner has been already disciplined; 20150212681, closed by Consent Order and payment of \$500.00 civil penalty

Upon routine inspection of a shop on March 2, 2017, the inspector observed an individual working on a client wearing a nametag with a name and license number. The inspector performed a search for the license number but did not find any information. When the inspector questioned the man about the license, he removed the nametag. The inspector located a license under the name on the name tag, but the name and social security number provided was not valid in the license database. It appears the individual in the license

database was not the same as the individual working. The individual refused to provide any form of identification to prove his identity.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$1,000 for permitting an individual to provide services without a valid license.

Decision: Accepted

24. Case No.: COS-2017008241

First License Obtained: 08/04/2016

License Expiration: 08/31/2018

Complaint history: None

A complaint was filed by a consumer who received a pedicure in the shop. She states that the man who performed the service gouged the cuticle on her big toe and two of her fingers. She pointed out the blood to him and asked if he had antibiotic ointment and he said the shop did not have anything to put on the damaged toe and fingers. She did not see him sanitize anything while she was there and feel that the equipment were not cleaned per State requirements. She has swelling which seems to be an infection on her toe and fingers.

In the response to the complaint, the shop owner states that he took an expected trip to Vietnam to be with a sick family member and the manicurist was a temporary worker hired to cover while the owner was overseas. This worker did not know where the shop keeps the ointment and should have asked another employee where it was stored. Moving forward the owner pledges to personally take measures so this does not happen again. The owner called the Complainant, asked how she was doing, and apologized, and the Complainant told him she had healed and accepted his apology. The Complainant submitted a response to the owner's response stating that the response contents are accurate based on the conversation they had.

Recommendation: Close with a letter of warning regarding the sanitary issues.

Decision: Accepted

25. Case No.: COS-2017009091

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

Upon routine inspection of a shop on February 7, 2017, the inspector observed Respondent performing a pedicure and asked if he had an ID tag or license and the man said no. The man provided the inspector with paperwork that indicated he could not work until he receives a license or proof of active licenses. He stated to the shop owner's daughter that he had the Louisiana Board send his paperwork to the Tennessee Board office (the inspector

checked with the Board office and they have no such records). The man has a Louisiana manicurist license.

In the manager's response to the complaint, he stated that this individual called the shop looking for work after the floods in Louisiana. He produced the documents from the Tennessee Board about his license which stated he could not work until he had proof of an active license. Respondent told the manager that the Board of Louisiana sent him proof. The Respondent's first day of work was the day of the inspection, and it was not until the inspector asked for paperwork that the manager discovered the proof of his ability to work that Respondent had offered was his nail license from Louisiana.

Respondent does not speak English well, and there was a huge misunderstanding regarding the paperwork. After the inspection, the manager fired Respondent and does not know Respondent's whereabouts after he was let go. The shop received Respondent's citation in the mail.

Recommendation: Authorize case for formal charges. Authorize settlement for a civil penalty of \$1,000 for providing services without a valid license.

Decision: Accepted

Represent

26. Case No.: COS- 2016022161

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The Board previously authorized a civil penalty in the amount of \$1,000, against the Respondent as a consumer filed a complaint against Respondent in May 2016, asserting that Respondent is advertising and completing hair and makeup unlicensed in her apartment, and that the Respondent is claiming to be a business owner of a beauty company and posting photos of her work on Instagram. The certified mail for the consent order sent to Respondent in September of 2016 was returned. Another consent order was sent to Respondent's last known address and both the regular mail and certified mail were returned. Legal requested personal service in February of 2017.

The investigator attempted to reach Respondent via telephone and email multiple times but the messages were not returned. The address provided for Respondent in the complaint is the street address for a 300-unit apartment complex, and without the addition of a unit number, the specific residence could not be identified. There is no evidence anyone by Respondent's name has attempted to register a vehicle in nearby counties. The Instagram site is no longer valid. The investigator also tried to contact the Complainant, but the Complainant failed to provide a telephone number or a specific unit number to her apartment complex.

All leads developed regarding the Respondent have been exhausted without identifying a viable address and attempts to contact Respondent via

telephone and email were unsuccessful. Attempts to locate the Complainant were also unsuccessful.
Recommendation: Close.
Decision: Accepted

Attending were Board members Ron Gillihan, Bobby Finger, and Amy Tanksley.

The meeting adjourned at 10:26 AM.

MOTION made by Nina Coppinger and seconded by Judy McAllister for approval by the full board of the Legal Report as amended. Motion carried unanimously.

Agreed Citations – February and March - Totaling \$12,400

MOTION made by Amy Tanksley and seconded by Kelly Barger for approval of all Agreed Citations and Letters of Warning. Motion carried unanimously.

NEW BUSINESS

(CE Review- IS University)

MOTION made by Nina Coppinger and seconded by Judy McAllister to deny request for use as continuing education. Motion carried unanimously.

(Internationally Educated/Trained Applicants Rule Discussion)

Legal will present options regarding credentialing and verifying international applications for future discussion at next meeting

(Mobile Salon Rules)

MOTION made by Nina Coppinger and seconded by Judy McAllister to authorize the Legal department to set rule making hearings. Motion carried unanimously.

(Agreed Citations & Letters of Warning)

MOTION made by Kelly Barger and seconded by Nina Coppinger to authorize board staff and the centralized complaints unit to process and close out complaints once full payment has been received. Motion carried unanimously.

Additional Questions:

Motion to adjourn

MOTION to adjourn made by Judy McAllister and seconded by Nina Coppinger. Motion carried unanimously.

Brenda Graham



Nina Coppinger



Judy McAllister

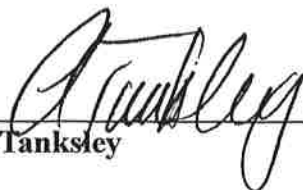


Kelly Barger

Patricia J. Richmond

Mona Sappenfield

Frank Gambuzza



Amy Tanksley



Anita Charlton

Yvette Granger



Ron R. Gillihan



Bobby N. Finger